

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

TOM DAVIS, VIRGINIA
RANKING MINORITY MEMBER

ONE HUNDRED TENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5051
Minority (202) 225-5074

January 19, 2007

The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

Dear General Gonzales:

On January 10, 2007, *The New York Sun* published an article entitled "Leak Probes Stymied, FBI Memos Show." The article states top officials at the Federal Bureau of Investigation (FBI) closed three leak investigations due to lack of cooperation from the "victim agency." This information was confirmed by redacted FBI documents released pursuant to a Freedom of Information Act request.

A review of the redacted FBI documents shows requests to close the investigations as a result of the victim agency's refusal to return numerous telephone calls, "provide the case agent with requested documents pertinent to the investigation," and the cancellation of interviews, briefings, and meetings. In addition, *The New York Sun* reports that 22 of 94 FBI files relating to leaks have gone missing. If this information is true, I find it highly disturbing and inappropriate.

At a December 20, 2006 press conference, President Bush stated the following in response to Administration leaks:

I don't appreciate those who leak classified documents. And it's an ongoing problem here, it really is . . . I do think at some point in time it would be helpful if we can find somebody inside our government who is leaking materials, clearly against the law, that they be held to account. Perhaps the best way to make sure people don't leak classified documents is there be a consequence for doing so.

It is clear the President finds these leaks to be highly problematic, and I agree. The FBI holds itself out as the premiere investigative agency for the United States. As

The Honorable Alberto Gonzales

January 19, 2007

Page 2

such, I find it hard to believe the FBI closes espionage leak investigations simply because another agency refuses to cooperate. How can we ensure, as the President requested, those who leak classified information "be held to account," if the Department of Justice (DOJ) does not insist on pursuing investigative leads?

DOJ's response was not included in the documents obtained by *The New York Sun*. Therefore, provide specific information, in writing, as to how the Chief of DOJ's Counterespionage Section handled the leak investigation closure requests by the FBI. Additionally, verify the information regarding the 22 missing FBI files pertaining to leaked information, the steps DOJ is taking to recover the missing files, and how the files went missing. Provide the information by January 30, 2007.

If you have any questions regarding this request, please contact [REDACTED] at (202) 225-5074. In addition, I ask that you make your staff available to brief Committee staff on this issue at such time that is requested.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Davis".

Tom Davis
Ranking Republican Member

cc: Chairman Henry A. Waxman